European Communities

TL 2710

EUROPEAN PARLIAMENT

Working Documents

1980 - 1981

20 May 1980 DOCUMENT 1-181/80

MOTION FOR A RESOLUTION
tabled by Mrs Van den HEUVEL
on behalf of the Socialist Group

with request for urgent debate
persuant to Rule 14 of the Rules of Procedure

on the situation in East Timor

The European Parliament,

- having regard to the memorandum presented in April by Amnesty International to the governments represented at the conference of the 'Intergovernmental Group on Indonesia';

- having regard further to the submission presented on 6 February 1980 to the International Affairs Committee of the US Senate (Prepared Testimony on Human Rights in Indonesia and in East-Timor)

- whereas it emerges from these two documents that
  - many hundreds of people have been held prisoner in intolerable conditions on that island since the Indonesian invasion.
  - that these prisoners are frequently tortured,
  - that many Fretelin members have disappeared after being arrested by Indonesian troops,
  - that other members of this liberation organization who responded to an amnesty announced by the Indonesian authorities have been executed,
  - that 200,000 East Timoreans are suffering from acute undernourishment and 60,000 of these are in need of urgent medical attention,
  - that international aid has, not been reaching the population, owing to the intervention of the Indonesian military,

- whereas, furthermore, the Community maintains through treaties relations with the ASEAN countries, of which Indonesia is one,

1. Proclaims the urgent need for an early international investigation into the situation of political prisoners in East Timor, as well as an investigation into the effects on the local population of the Indonesian occupation of East Timor;

2. Calls on the Commission, the Council and the Foreign Ministers meeting in political cooperation to take steps to bring about such an international investigation and help to ensure that extensive humanitarian aid is granted which directly benefits the distressed population;

3. Calls in particular on the Foreign Ministers meeting in political cooperation to modify their position with regard to the UN resolution on East Timor and at the same time to enter into consultations with the government of Portugal with a view to reaching a satisfactory settlement to the East Timor issue;

4. Calls lastly on the Commission, Council and Foreign Ministers meeting in political cooperation to inform Parliament of the steps taken;

5. Instructs its President to forward this resolution to the Council, the Commission and the Foreign Ministers meeting in political cooperation.

JUSTIFICATION OF THE REQUEST FOR URGENT PROCEDURE

Through the memorandum published at the end of April by Amnesty International and the recently held conference of the 'Intergovernmental group on Indonesia', it has become clear that speedy action is urgently needed to deal with the problems of political prisoners and famine in East Timor.

Giolitti

the proposals for the 1980 food aid amounting to 16 800 000 EUA — representing approximately 19 % of the total requirement — are approved, is estimated to amount to some 88 million EUA for a refugee population estimated at 750 000 persons in 1980.

President. — The debate is closed.

I put the motion for a resolution to the vote.

The resolution is adopted.

16. *Situation in East Timor*

President. — The next item is the motion for a resolution tabled by Mrs Van den Heuvel on behalf of the Socialist Group, on the situation in East Timor (Doc. 1-181/80).

I call Mrs Van den Heuvel.

Mrs Van den Heuvel. — *(NL)* Mr President, in the resolution before this Parliament reference is made to an Amnesty International memorandum drawn up at the 'IGI Conference' — the Conference of the Intergovernmental Group on Indonesia. In this report it is stated that people who appealed to their right to safety under an amnesty proclaimed by the Indonesia authorities in favour of Fretilin, the East Timor Liberation Organization, have been summarily executed without any kind of trial. In East Timor there are 800 prisoners, many of whom on the whole did not take part in the fighting and yet have been held in detention since 1975-1976. In its memorandum Amnesty International quotes sources from the Indonesian church concerning the reign of terror in the country's capital where people who are alleged to have even the slightest connection with Fretilin have been dragged from their homes without their families being given any information about their whereabouts. The situation in the prisons, which, moreover, are situated in places that are kept secret insofar as possible, are indescribable. There is talk of serious malnutrition. Despite that, the inmates of the prisons are forced to do hard labour from 5 o'clock in the morning until 5 o'clock in the evening. The prisoners are forced to sleep close to one another on stone floors. There are many reports of people being tortured to obtain information. In short, this situation must — and I am not exaggerating — remind us Western Europeans of what happened here during the Nazi period. Even outside the prisons people are living in abominable conditions. Famine is rife and the food aid provided by international organizations does not get through to the population at large but the food is sold by Indonesian soldiers on the black market. The nine countries of the European Community must feel responsible for what is happening on this island.

And yet we have close ties with the countries of Asean, of which Indonesia is one of the most important members. We are holding preliminary discussions with the Portuguese government, which formally still has authority over East Timor. So there is every reason for this Parliament to goad the Council and the Commission into action. This resolution urging the provision of direct aid and the exerting of political pressure to set up an international investigation can in the opinion of our Group help to achieve this.

Mr President, when in this Parliament the matter of the urgency of this problem came up for discussion some Members cast doubt on the reliability of the data provided by Amnesty International. They now have the chance to prove that they are right, also to those who, like my Group take the information provided by Amnesty International very seriously on the basis of past experience. An international investigation, the keypoint of this resolution, can show what is really happening in East Timor. I therefore urgently request this Parliament to support this resolution.

IN THE CHAIR: MR KATZER

Vice-President

President. — I call Mr Habsburg.

Mr Habsburg. — *(D)* Mr President, although as always Mrs Van den Heuvel has made a brilliant contribution to the discussion, I must speak against the resolution, because in may opinion it has not been properly thought out, is not in keeping with the facts of the matter and, furthermore, anticipates proceedings against a State which is a friend and ally of ours and asks our governments to do things which simply cannot be done. Here I should like to take just one example: right at the beginning an Indonesian invasion of this island is referred to, but I would remind you that Timor has always half belonged to Indonesia.

Secondly, it is stated that the Fretilin Movement is a liberation organization. I would strongly question this and point out that Fretilin's reign of terror in Timor after the collapse of the Portuguese régime was such that the Indonesians were received by the majority of the population of Timor as liberators. So on this point too, in my opinion, a false picture has been given.

Finally, we are here calling upon the governments, before any investigation is made, to change their attitude to the United Nations resolution on East Timor and to bring the poor Portuguese as well into the negotiations, even though for a number of years now they have not had the slightest responsibility for East Timor and at best would only be encumbered in their

Habsburg

relations with Indonesia. For all these reasons, as it is now no longer possible to refer this resolution to committee, I would ask you to reject it.

President. — I call Mr Giolitti.

Mr Giolitti, *Member of the Commission.* — *(I)* Mr President, like the previous resolution, this one gives me the opportunity to present some essential information on aid supplied or envisaged for East Timor. On 19 December 1979 it was decided to provide aid to the amount of 50 000 units of account under Article 950 for the on-the-spot purchase and distribution of food, medicaments and maize seeds, and for a seven-member medical team. This programme is now being executed. In response to a request from the ICRC in August 1979, the Commission granted to East Timor 130 tonnes of skimmed-milk powder. It is still not known to what extent East Timor will be able to benefit from the 1980 allocation of skimmed-milk powder by the ICRC. No other direct food aid programme is envisaged, although it is possible that part of the 100 tonnes of skimmed-milk powder destined for the Indonesian Red Cross under the 1980 allocation to LICROS will reach Timor, thanks to the close cooperation between the Indonesian Red Cross and the ICRC in the emergency operations in Timor.

Finally, I want to tell you that a request has been received from the ICRC for financial aid for the continuation of its programme in East Timor. At present, however, no further aid under Article 950 is being considered.

President. — The debate is closed.

I put the motion for a resolution to the vote.

The resolution is adopted.[1]

17. *Liability for defective products* (contd)

President. — The next item is a resumption of the debate on the Oral Question to the Commission on the directive on liability for defective products (Doc. 1-29/80).

I call Mr Glinne on a point of order.

Mr Glinne. — *(F)* Mr President, in view of the important nature of this matter and the fact that so few Members are present at this time of day, may I, on behalf of 10 members of my group, ask that it be established, in accordance with Rule 33 (3), whether there is a quorum for this motion for a resolution?

President. — Mr Glinne, the list of speakers is not yet exhausted. Your request can only be dealt with when it is time to put the matter to the vote.

That moment has not yet arrived.

I call Mr Seal.

Mr Seal. — Mr President, I sat through a long debate last night on this particular item and it is a shame that we could not conduct it at a time when more Members were present. In fact the Chamber is still rather empty. Most of the people who have spoken so far have been lawyers, members of the Legal Affairs Committee, and that is rather a shame because this is an item that affects everyone.

I support absolutely the Commission's amended draft, even though it has not accepted the Parliament's view on strict liability. I believe that the manufacturer of a defective product should be directly responsible for the harm which it causes anyone. I feel it is illogical that the purchaser should have no redress for injury or damage caused by defective products unless he can prove negligence. I also feel that responsibility for loss should lie primarily with the person who creates the risk, i.e. the producer. The costs of insuring against the consequences of accidents caused by defective products should be shared among all consumers of that manufacturer's product.

This is an issue which has caused a lot of concern among manufacturers, particularly in the United Kingdom. I feel, however, that they have a point. Perhaps the Commission should examine the possibility of providing a central insurance scheme, funded by the individual Member States' governments. This seems to be one possibility which the Commission has not examined. I feel that the principle of strict liability redresses the difficulties of getting access to scientific and other relevant information experienced by individuals who are compelled to prove fault.

It has been argued in the debate that recent American experience, and particularly the US Uniform Product Liability Act, marks a retreat from the system of strict liability. I feel that this is misleading. First of all, the high compensation awards in the USA will not be repeated in European countries. There are several reasons for this. In the first place, the amounts of compensation awarded by juries in the USA are higher than those likely to be awarded by trial judges in Europe; this is a very important point which certainly has not been brought out. Secondly, the contingency fee system practised in the USA is not permitted in the EEC. Thirdly, the extensive State social services and health care provided in the EEC are lacking in the USA, and that is why compensation there is very high.

[1] OJ C 147 of 16. 6. 1980.